

1 JUDGE RONALD B. LEIGHTON
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67 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA10 UNITED STATES OF AMERICA,) NO. CR05-5823RBL
11 Plaintiff,)
12 vs.) ORDER GRANTING MOTION TO
13) CONTINUE TRIAL DATE
14 JACOB RAY GARDNER, and)
15 MICHAEL ANTONIO JORDON.)
16 JACOB RAY GARNER and)
17 APRYL JOY BEACH,)
18 Defendants.19 The Court notes that defendants Thomas Evans Dunigan and Apryl Joy Beach
20 object to the motion to continue, however, based on the Stipulation by the Plaintiff,
21 United States of America, and defendants Jacob R. Gardner and Michael A. Jordan to
22 continue the trial date, and the affidavit of defense counsel for Mr. Gardner in support of
23 the motion the Court makes the following findings of fact and conclusions of law. :24 1. The ends of justice served by granting this continuance outweigh the best
25 interests of the public and the defendants in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).26 2. Proceeding to trial absent adequate time for the defense to prepare would
result in a miscarriage of justice. 18 U.S.C. §3161(h)(8)(B)(i).3. The defense needs additional time to explore issues of some complexity,
including all relevant issues and defenses applicable to the case, which would make it
unreasonable to expect adequate preparation for pretrial proceedings or for trial itselfORDER GRANTING STIPULATED MOTION
TO CONTINUE TRIAL DATE
U.S. v. Gardner, et. al.; CR05-5823RBL

1 within the time limits established by the Speedy Trial Act and currently set for this case.

2 18 U.S.C. § 3161(h)(8)(B)(ii).

3 4. Taking into account the exercise of due diligence, a continuance is necessary
 4 to allow the defendants the reasonable time for effective preparation his defense. 18
 5 U.S.C. § 3161(h)(8)(B)(iv).

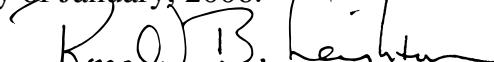
6 NOW, THEREFORE,

7 IT IS HEREBY ORDERED that the trial date is continued from January 30, 2006
 8 to **March 20, 2006, at 9:00 am.** The resulting period of delay from January 30, 2006, to
 9 March 20, 2006 is hereby excluded for speedy trial purposes under 18 U.S.C. §
 10 3161(h)(8)(A) and (B).

11 Pre-trial motions are due no later than **FEBRUARY 20, 2006.**

12 Motion Hearing, if needed, and the Pre-trial conference shall be on
 13 **MARCH 7, 2006, at 9:00 am.**

14 IT IS SO ORDERED this 12th day of January, 2006.

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 16 RONALD B. LEIGHTON
 17 UNITED STATES DISTRICT JUDGE

18 Presented By:

19 Russell V. Leonard & Linda Sullivan
 20 Attorneys for Jacob R. Gardner

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 22 Gregory Gruber
 23 Assistant United States Attorney

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 25 Charles Johnston
 26 Attorney for Michael A. Jordan

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 28 Kent Liu
 29 Special Assistant United States Attorney